

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MADELINE LUGO ROSADO,

Plaintiff,

21 CIVIL 623 (BCM)

-v-

JUDGMENT

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 28, 2022, the Commissioner's motion for judgment on the pleadings is DENIED, plaintiff's cross-motion for judgment on the pleadings is GRANTED, and the case is REMANDED, pursuant to 42 U.S.C. § 405(g), for further proceedings consistent with the Oral Decision. On remand, the ALJ should: (1) reevaluate the medical opinions and prior administrative findings in the record with respect to plaintiff's mental impairments and migraines, in accordance with 20 C.F.R. § 416.920c, analyzing the support ability and consistency of those opinions with reference to specific evidence in the record; (2) reconsider her finding at Step 2 as to whether plaintiff's migraines qualify as a severe impairment; and (3) having done so, reassess plaintiff's residual functional capacity based upon all of the medical and other evidence in the record, including evidence concerning the absences, if any, that would be caused by plaintiff's headaches; accordingly, the case is closed.

Dated: New York, New York
September 30, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk